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In re Application of :
Yin et al. :
Application No. 10/758386 :
Filing or 371(c) Date: 01/15/2004 : DECISION
Attorney Docket Number: 200312164-1 : ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Evidence that a Reply was Timely Mailed or Filed (MPEP 711.03(c)(I)(B), filed October 9, 2008. The petition is properly treated under 37 C.F.R.1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed April 21, 2008. The Notice set a non-extendable three (3) month period for response. No response having been received, the application became abandoned on July 22, 2008. A Notice of Abandonment was mailed August 19, 2008.

Applicant files the present Petition and asserts that a timely reply to the Notice was filed on May 21, 2008. In support of this assertion, Applicant includes a copy of the reply, along with a copy of an Auto-Reply Facsimile Transmission report from this Office acknowledging receipt of two (2) pages from Applicant on May 21, 2008. A review of the copy of the reply filed with the petition reveals that it includes a Certificate of Mailing or Transmission under 37 CFR 1.8, certifying that the reply was filed on May 21, 2008.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Office of Data Management to charge the issue and publication fees and for processing into a patent in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
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